

DEC 16 2004

Issued by the

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA

THE EXPORT-IMPORT BANK OF  
THE REPUBLIC OF CHINA,

Plaintiff,

-v.-

REPUBLIQUE DU NIGER,

Defendant.

**INFORMATION SUBPOENA**

CASE NO.: 97 CIV 3090 (LAK)  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TO: First National Bank  
400 Franklin Street  
Rocky Mount, VA 24151  
Attention: Subpoena Compliance

**PLEASE TAKE NOTICE THAT** in an action in the United States District Court, Southern District of New York, 97 Civ. 3090 (LAK), between The Export-Import Bank of The Republic of China, plaintiff, and Republique Du Niger, defendant, being all the parties to the action, on October 19, 1998, the Court entered judgment in favor of plaintiff for the amount of \$60,706,710.06 on the first note plus yearly interest of 4.5% per annum subsequent to October 7, 1996, plus default interest at a rate of 10% per annum from March 1, 1997, to date of judgment, and judgment for the amount of \$11,959,293.41 on the second note plus yearly interest at a rate of 4.5% per annum subsequent to October 7, 1996, plus default interest at a rate of 10% per annum from March 1, 1997, to date of judgment. The amounts of \$60,706,710.06, plus interest and \$11,959,293.41, plus interest, together with statutory interest from October 19, 1998, remain due and unpaid.

EXHIBIT

A

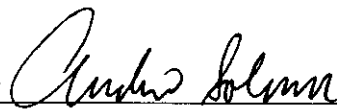
**PLEASE TAKE FURTHER NOTICE THAT** Rule 45(c) and (d) of the Federal Rules of Civil Procedure and Civil Rule 26.3 (Uniform Definitions in Discovery Requests) of the U.S. District Court Rules of the Southern & Eastern Districts of New York are incorporated herein by reference; a copy of those provisions are attached hereto. The terms "YOU" and "Bank" mean First National Bank and all entities within including parents, subsidiaries, predecessors, successors and affiliates.

**YOU ARE HEREBY COMMANDED** to furnish the undersigned, in writing and under oath, separate and full answers and to supply records where requested, to each of the written information requests attached to this subpoena with each answer referring to the question to which it responds. Your answers must be returned with the original of the questions in the prepaid, addressed return envelope enclosed to the undersigned within ten days of their receipt.

DATED: November 29, 2004

SULLIVAN & WORCESTER LLP

By



Paul E. Summit (PS 6263)

Andrew T. Solomon (AS 9200)

1290 Avenue of the Americas, 29<sup>th</sup> Floor

New York, New York 10104

(212) 660-5075

*Attorneys for the Plaintiff*

**INFORMATION REQUESTS**

- 1) Does your Bank have a record of any demand account in any of the offices of your Bank located in the United States in the name of the below entities, individually or otherwise, as of the day of the information subpoena?
  - a) Republique du Niger and/or Republic of Niger;
  - b) Tresorier de la Republique Niger and/or Treasurer of Republic of Niger;
  - c) office National des Ressources Minieres du Niger and/or National Office of Mineral Resources of Niger;
  - d) Ministere des Mines, de L'Industrie et de la Technologie and/or Ministry of Mines, Industry and Technology;
  - e) Societe des Mines de l'Air, also known as "SOMAIR";
  - f) Compagnie Miniere d'Akouta, also known as "COMINAK."
  
- 2) Does your Bank have a record of any demand account in any of the offices of your Bank located in any country other than the United States in the name of the below entities, individually or otherwise, as of the date of the information subpoena?
  - a) Republique du Niger and/or Republic of Niger;
  - b) Tresorier de la Republique Niger and/or Treasurer of Republic of Niger;
  - c) office National des Ressources Minieres du Niger and/or National Office of Mineral Resources of Niger;
  - d) Ministere des Mines, de L'Industrie et de la Technologie and/or Ministry of Mines, Industry and Technology;
  - e) Societe des Mines de l'Air, also known as "SOMAIR";
  - f) Compagnie Miniere d'Akouta, also known as "COMINAK."

- 3) Does your Bank have a record of any time deposit account in any of the offices of your Bank located in the United States in the name of the below entities, individually or otherwise, as of the date of the information subpoena?
- a) Republique du Niger and/or Republic of Niger;
  - b) Tresorier de la Republique Niger and/or Treasurer of Republic of Niger;
  - c) office National des Ressources Minieres du Niger and/or National Office of Mineral Resources of Niger;
  - d) Ministere des Mines, de L'Industrie et de la Technologie and/or Ministry of Mines, Industry and Technology;
  - e) Societe des Mines de l'Air, also known as "SOMAIR";
  - f) Compagnie Miniere d'Akouta, also known as "COMINAK."
- 4) Does your Bank have a record of any time deposit account in any of the offices of your Bank located in any country other than the United States in the name of the below entities, individually or otherwise, as of the date of the information subpoena?
- a) Republique du Niger and/or Republic of Niger;
  - b) Tresorier de la Republique Niger and/or Treasurer of Republic of Niger;
  - c) office National des Ressources Minieres du Niger and/or National Office of Mineral Resources of Niger;
  - d) Ministere des Mines, de L'Industrie et de la Technologie and/or Ministry of Mines, Industry and Technology;
  - e) Societe des Mines de l'Air, also known as "SOMAIR";
  - f) Compagnie Miniere d'Akouta, also known as "COMINAK."

5) Does your Bank have a record of any other type of account in any of the offices of your Bank located in the United States in the name of the below entities, individually or otherwise, as of the date of the information subpoena?

- a) Republique du Niger and/or Republic of Niger;
- b) Tresorier de la Republique Niger and/or Treasurer of Republic of Niger;
- c) office National des Ressources Minières du Niger and/or National Office of Mineral Resources of Niger;
- d) Ministère des Mines, de L'Industrie et de la Technologie and/or Ministry of Mines, Industry and Technology;
- e) Societe des Mines de l'Air, also known as "SOMAIR";
- f) Compagnie Minière d'Akouta, also known as "COMINAK."

6) Does your Bank have a record of any other type of account in any of the offices of your Bank located in any country other than the United States in the name of the below entities, individually or otherwise, as of the date of the information subpoena?

- a) Republique du Niger and/or Republic of Niger;
- b) Tresorier de la Republique Niger and/or Treasurer of Republic of Niger;
- c) office National des Ressources Minières du Niger and/or National Office of Mineral Resources of Niger;
- d) Ministère des Mines, de L'Industrie et de la Technologie and/or Ministry of Mines, Industry and Technology;
- e) Societe des Mines de l'Air, also known as "SOMAIR";
- f) Compagnie Minière d'Akouta, also known as "COMINAK."

- 7) If your answer is yes to any of questions 1 through 6, what are the account names and addresses of each account, what is the exact title of each account, the date each account was opened, whether each account is open or closed, the amount now on deposit in each account and, if the account is closed, the date of closing and the amount of deposit on the date of closing?
- 8) Does your Bank have a safe deposit box maintained in any of the offices of your Bank located in the United States in the name of the below entities, individually or otherwise, as of the date of the information subpoena?
- a) Republique du Niger and/or Republic of Niger;
  - b) Tresorier de la Republique Niger and/or Treasurer of Republic of Niger;
  - c) office National des Ressources Minieres du Niger and/or National Office of Mineral Resources of Niger;
  - d) Ministere des Mines, de L'Industrie et de la Technologie and/or Ministry of Mines, Industry and Technology;
  - e) Societe des Mines de l'Air, also known as "SOMAIR";
  - f) Compagnie Miniere d'Akouta, also known as "COMINAK."
- 9) Does your Bank have a safe deposit box maintained in any of the offices of your Bank located in any country other than the United States or France in the name of the below entities, individually or otherwise, as of the date of the information subpoena?
- a) Republique du Niger and/or Republic of Niger;
  - b) Tresorier de la Republique Niger and/or Treasurer of Republic of Niger;
  - c) office National des Ressources Minieres du Niger and/or National Office of Mineral Resources of Niger;

d) Ministere des Mines, de L'Industrie et de la Technologie and/or Ministry of Mines, Industry and Technology;

e) Societe des Mines de l'Air, also known as "SOMAIR";

f) Compagnie Miniere d'Akouta, also known as "COMINAK."

10) If your answers to any of the questions 7-9 is yes, what is the exact designation of the lessee or lessees of each safe deposit box, the date the box was hired, whether the box is presently maintained or discontinued and, if discontinued, the date of discontinuance?

11) Is REPUBLIQUE DU NIGER indebted to your Bank in any way?

12) If your answer to question 12 is yes, what is the original amount of each indebtedness, the date incurred, the date full repayment is due and the amount repaid, if any, as of the date of the information subpoena?

13) State the name of the person or persons who participated in responding to the above information requests.

- 14) State the name of the person or persons who are presently employed by you with knowledge or information concerning the Bank's financial relationship or business transactions with Republic of Niger or any of its instrumentalities.

First National Bank

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Sworn to me  
this \_\_\_\_ day of \_\_\_\_\_, 200\_\_

\_\_\_\_\_  
Notary Public